

REMARKS

Claims 1-20 were pending in this application.

Claims 1-20 have been rejected.

Claims 1-4, 6-11, 13-17, 19, and 20 have been amended as shown above.

Claims 1-20 remain pending in this application.

Reconsideration and full allowance of Claims 1-20 are respectfully requested.

I. OBJECTION TO THE SPECIFICATION

The Office Action objects to the Abstract as containing a term that should be avoided. In particular, the Office Action objects to the use of the term “disclosed” in the Abstract. The Applicant has amended the Abstract. The Applicant respectfully requests withdrawal of the objection to the specification.

II. REJECTION UNDER 35 U.S.C. §112

The Office Action rejects Claims 9-14 under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter regarded as the invention. In particular, the Office Action notes that Claim 9 lacks antecedent basis for a particular element. The Applicant has amended Claim 9. The Applicant respectfully requests withdrawal of the § 112 rejection.

III. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1-20 under 35 U.S.C. § 102(a) as being unpatentable over Applicant's admitted prior art ("*AAPA*"). The Applicant respectfully traverses this rejection.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)).

AAPA recites a process used by a digital video recorder ("DVR") system to identify a "start code." (*Application*, Page 15, Lines 12-14). Every time a thirty-two bit word is read, the system determines if the twenty-four most significant bits represent a start code prefix (the "first test"). (*Application*, Page 15, Lines 14-20). If not, the system determines if the twenty-four least significant bits represent the start code prefix (the "second test"). (*Application*, Page 15, Line 21). If not, the system performs four other tests to determine if the start code prefix overlaps adjacent thirty-two bit words. (*Application*, Page 15, Line 22 – Page 16, Line 5).

AAPA simply recites a process where multiple tests are performed to determine if a thirty-two bit word contains a start code prefix. In particular, *AAPA* performs up to five different tests (the "second" through the "sixth" tests) to determine if any part of a start code prefix appears in the least significant byte of a thirty-two bit word. For example, if the first test fails, the second

test (checking for the start code prefix in the final twenty-four bits of the thirty-two bit word) is always performed. If the second test fails, the third and fourth tests (checking for one possible overlap of the start code prefix in adjacent thirty-two bit words) are always performed. Similarly, if the third and fourth tests fail, the fifth and sixth tests (checking for another possible overlap of the start code prefix in adjacent thirty-two bit words) are always performed.

Because of this, each thirty-two bit word that does not contain a start code prefix is tested five different times in *AAPA* to determine if any part of the start code prefix appears in the least significant byte of the thirty-two bit word. In contrast, Claims 1, 8, and 15 recite determining (when no proper alignment is present) that a thirty-two bit word “does not contain any portion” of a start code prefix “based solely on a determination that a least significant byte of [the] thirty-two bit word is not part of [the] start code prefix.” *AAPA* lacks any mention of determining that a start code prefix is not contained in a thirty-two bit word based “solely” on a determination that the least significant byte of the thirty-two bit word is not part of the start code prefix. As a result, *AAPA* fails to anticipate these elements of Claims 1, 8, and 15.

For these reasons, *AAPA* fails to anticipate the Applicant’s invention as recited in Claims 1, 8, and 15 (and their dependent claims). Accordingly, the Applicant respectfully requests withdrawal of the § 102 rejection and full allowance of Claims 1-20.

IV. CONCLUSION

The Applicant asserts that all pending claims in the application are in condition for allowance and respectfully requests an early allowance of such claims.

SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

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William A. Munck

Registration No. 39,308

Docket Clerk
P.O. Box 802432
Dallas, Texas 75380
Tel: (972) 628-3600
Fax: (972) 628-3616
Email: *wmunck@davismunck.com*